IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr.M.P.(M) No. 385 of 2007

Date of decision 27.6.2007

Megha Ram **…Applicant.**

Versus

State of H.P. **… Respondent.**

Coram

The Hon'ble Mr. Justice : Surjit Singh, Judge.

Whether approved for reporting? No

For the applicant : Mr. N.S. chandel, Advocate.

For the respondent : Mr. Ashok Chaudhary, Addl. A.G.

Surjit Singh, Judge (Oral)

Heard and gone through the record.

2. Applicant has been booked for offences punishable under Sections 366 and 376 read with Section 511 of the Indian Penal Code. As per contents of the FIR, lodged by the prosecutrix on 22.3.2007, who at the relevant time was aged about twenty years, when she was going to fetch water, the applicant met her on the way. He was riding a motor cycle. He offered the prosecutrix to take her to her sister's place in a nearby village on his motor cycle. The prosecutrix got tempted and rode the pillion of the motor cycle. The applicant instead of taking her to the village of the

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Whether reporters of the local papers may be allowed to see the judgment?

prosecutrix's sister took her in some different direction and when the prosecutrix asked as to where she was being taken, the applicant replied that he was taking her on joy ride. Then he made an attempt to rape her. When the prosecutrix, while being carried on the motor cycle, tried to raise alarm, she was told by the applicant that in case she cried, the motor cycle would throw her off. The applicant told the prosecutrix that he was interested in marrying her and would keep her at Chandigarh where he had a bungalow. The motor cycle was then turned towards Chandigarh. At Una a tyre of the motor cycle got punctured. When the punctured tyre was being replaced, the mother of the prosecutrix reached the spot in a taxi. Probably she was following the motor cycle. The mother of the prosecutrix took away the prosecutirx in that taxi back to the native place.

3. The contents of the FIR speak for themselves. In the light of the above stated facts, I do not think this is a fit case where the accused should be kept in custody. Hence the application is allowed. The applicant is ordered to be released on his furnishing bail bond in the sum of Rs.10,000/- with one surety in the like amount, to the satisfaction of the Chief Judicial Magistrate, Dharamshala.

Dasti copy, as prayed for, on usual terms.

June 27, 2007 (BC) **(Surjit Singh), J.**